

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

Ashley Behnke v. No. 3:12-cv-11070-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Nicole Carbonaro v. No. 3:12-cv-10788-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Teffeny Collier-Wright v. Bayer Corp., No. 3:12-cv-20105-DRH-PMF
et al.

Danielle Davis v. No. 3:12-cv-11137-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Amanda Fuller v. No. 3:12-cv-11161-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Heather Glass v. Bayer Corp., et al. No. 3:12-cv-10991-DRH-PMF

Erin E. Knowles v. No. 3:12-cv-10039-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Jelisa Laurent v. Bayer Corp., et al. No. 3:12-cv-10465-DRH-PMF

Thaira Lopez v. Bayer Corp., et al. No. 3:10-cv-12840-DRH-PMF

Melodie Mixon v. No. 3:12-cv-10581-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Alexandrea Noack v. No. 3:12-cv-11160-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Kelli Plummer v. No. 3:12-cv-11283-DRH-PMF
Bayer HealthCare Pharmaceuticals Inc., et al.

Gabrielle Qualman v. Bayer HealthCare Pharmaceuticals Inc., et al. No. 3:12-cv-10040-DRH-PMF

Elizabeth Stoneburg v. Bayer HealthCare Pharmaceuticals Inc., et al. No. 3:12-cv-10119-DRH-PMF

Jennifer Sykes v. Bayer Corp., et al. No. 3:12-cv-10715-DRH-PMF

Natasha Thompson v. Bayer HealthCare Pharmaceuticals Inc., et al. No. 3:12-cv-10789-DRH-PMF

Candace and Michael Trahan v. Bayer Corp., et al. No. 3:12-cv-10847-DRH-PMF

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.¹

On February 8, 2013, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations. The Court granted the motion on March, 11, 2013.

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, "pursuant to CMO 12 Section E, **unless plaintiffs serve**

¹ The motion to dismiss was filed in numerous member actions. The motion to dismiss was withdrawn in the following member actions: *Andrea Branch Miller v. Bayer Corp., et al.* No. 3:12-cv-11096-DRH-PMF and *Stephanie Schwartz v. Bayer HealthCare Pharmaceuticals Inc., et al.* No. 3:12-cv-10706-DRH-PMF. The Court addresses multi-plaintiff member actions in a separate order.

defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion."

On May 20, 2013, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the dismissals to dismissals with prejudice pursuant to Section E of CMO 12,

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

SO ORDERED:

 Digitally signed by
David R. Herndon
Date: 2013.07.17
16:02:02 -05'00'

**Chief Judge
United States District Court**

Date: July 17, 2013